

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: BLUE CROSS BLUE SHIELD)
ANTITRUST LITIGATION)
(MDL No. 2406))
_____))

Master File No. 2:13-CV-20000-RDP

NON-PARTY RUSSELLVILLE HOSPITAL'S
OBJECTIONS AND MOTION TO QUASH SUBPOENAS

Pursuant to the Court's order of July 29, 2016 (Doc. 678) and Rule 45(d)(2) and (3), Russellville Hospital, Inc. objects to the subpoenas issued to it by Blue Cross Blue Shield of Michigan. The subpoenas require the hospital to produce documents and to appear for a deposition. The hospital objects to the subpoenas, and moves to quash them, on the following grounds:

1. The subpoenas seek a wide variety of confidential commercial information, including contract terms with health insurers and revenues received from the insurers;

2. Responding to the subpoenas would impose an undue burden, particularly given the hospital's status as a non-party, and the fact that it is a small community hospital with limited resources available to attempt to respond to the subpoenas;

3. The hospital objects to the extent that the subpoenas seek information that is not relevant; and

4. The hospital objects to the extent that the subpoenas would require production of documents protected by the attorney-client privilege.

These objections and motion to quash are supported by the declaration of Christine Stewart (Exhibit 1). The hospital adopts the legal arguments made by the Health Care Authority of the City of Huntsville in support of its objections and motion to quash.

/s/ Jeffrey T. Kelly

Jeffrey T. Kelly

Lauren B. Houseknecht

Attorneys for Russellville Hospital, Inc.

LANIER FORD SHAVER & PAYNE, P.C.
2101 West Clinton Avenue, Suite 102
Post Office Box 2087 [35804]
Huntsville, AL 35805
jtk@lanierford.com
lbh@lanierford.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of August, 2016, I have filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

/s/ Jeffrey T. Kelly

Of Counsel

EXHIBIT 1

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)	

DECLARATION OF CHRISTINE STEWART

I, Christine Stewart, declare as follows:

1. I am Chief Executive Officer of Russellville Hospital. I have reviewed the requests for production contained in a subpoena issued to the hospital by Blue Cross Blue Shield of Michigan. Russellville Hospital, which is licensed for 100 beds, is operated by Curae Health, a not-for-profit health system with its headquarters in Tennessee. Curae has operated the hospital since January 1, 2015. For many years prior to that date, the hospital was operated by LifePoint Health, which also has its headquarters in Tennessee.

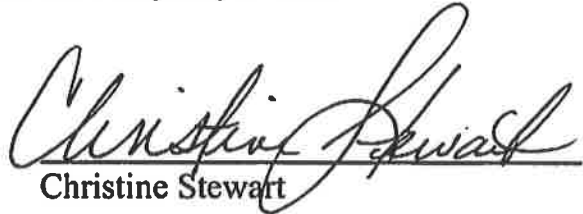
2. Russellville Hospital is a small community hospital with limited internal resources available to attempt to respond to the requests contained in the subpoena. Searching for, reviewing, and producing the documents sought by the subpoena would place an extreme burden on the hospital's executives and staff. This effort would be complicated by the fact that the hospital changed its

computer system after operation of the hospital was transferred from LifePoint to Curae. Also, in addition to gathering its own documents, the hospital would have to seek documents from both Curae and LifePoint.

3. Much of the information sought by the subpoena, including contract terms with health insurers and revenues received from the insurers, would be confidential commercial information.

I declare under penalty of perjury that the foregoing is true.

Dated: August 9, 2016


Christine Stewart